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June 17, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ Reissue Application of
U.S. Patent No. 5,658,911
J. T. Strupczewski, K. J. Bordeau,
E. J. Glamkowski, Y. Chiang, and G. C. Helsley

Examiner B. L. Coleman
Group Art Unit 1624


Reissue Application No. 09/708,475
Reissue Filed November 9, 2000

HETEROARYLPIPERAZINES AND THEIR
USE AS ANTIPSYCHOTICS AND ANALGETICS

(Atty. Docket No. P25,984-A REI)

Facsimile Certification

I hereby certify that this correspondence is being deposited via Facsimile No. 703-872-9306 to: Mail Stop
REISSUE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 17, 2005.


Peter D. Mlynck

Reply to
Notice of Non-Compliant Amendment Dated May 27, 2005

Mail Stop REISSUE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Complaint Amendment (37 C.F.R. § 1.121)
mailed May 27, 2005, the following remarks are submitted for consideration.

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Group Art Unit 1624
Reissue Application No. 09/712,129June 17, 2005
Attorney Docket No. P25,984-A REI

The Notice alleges that the amendment filed on "May 20, 2005" is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. § 1.121, as amended on June 30, 2003. The Notice alleges further that a complete listing of all of the claims is not present and requests that the entire "Amendments to the Claims" section of applicants' amended document be re-submitted.

Applicants disagree respectfully based in part on 37 C.F.R. § 1.121(a) which states the following.

Amendments in applications, other than reissue applications. Amendments in applications, other than reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

Further, § 1.121(i) provides the following.

Amendments in reissue applications. Any amendment to the description and claims in reissue applications must be made in accordance with § 1.173.

The rules for amending of claims in reissue applications are presented in § 1.173(b)(2) as follows.

Claims. An amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper. For any claim changed by the amendment paper, a parenthetical expression "amended," "twice amended," etc., should follow the claim number. Each changed patent claim and each added claim must include markings pursuant to paragraph (d) of this section, except that a patent claim or added claim should be canceled by a statement canceling the claim without presentation of the text of the claim.

The "Office Flyer" document regarding the revised amendment practice, which is referred to in the aforementioned Notice, in the line immediately before the title "Revised Amendment Practice", states the following.

Note: the amendment practice for reissues and reexamination proceedings, except for drawings, has not changed.

Group Art Unit 1624
Reissue Application No. 09/712,129

June 17, 2005
Attorney Docket No. P25,984-A REI

The present application is a reissue application of U.S. Patent No. 5,658,911. Under the U.S. Patent Office rules for amending claims in a reissue application, the complete listing of all of the claims is not required. The submission of only the claims that were amended in the May 20, 2005 Reply is an appropriate way to amend the claims.

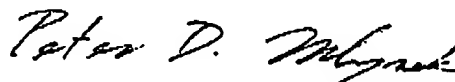
Applicants note that a similar Notice for this application was issued on March 4, 2004. During a telephone conference with the Examiner on March 22, 2004, it was confirmed that a complete listing of all claims is indeed not required.

In view of the foregoing, applicants submit that the amendment filed on May 20, 2005 is compliant with Patent Office practice, including the provisions of 37 C.F.R. § 1.121. It is submitted also that the present application is in allowable condition and a notice to that effect is requested respectfully in an early and favorable Action.

In the event any matters remain outstanding, the Examiner is requested to call the undersigned at the telephone number listed below.

Respectfully submitted,
Synnestvedt & Lechner LLP

2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107
Telephone (215) 923-4466
Facsimile (215) 923-2189



Peter D. Mlynck
Registration No. 47,802

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